

July 9, 2024

IN THE UNITED STATES DISTRICT)
COURT FOR THE SOUTHERN DISTRICT)
OF FLORIDA)
FORT LAUDERDALE DIVISION)

Mark Appelgren, Pro Se)
3718 Columbia Pike, Apt. 2)
Arlington, VA 22204)

Complainant/Plaintiff)

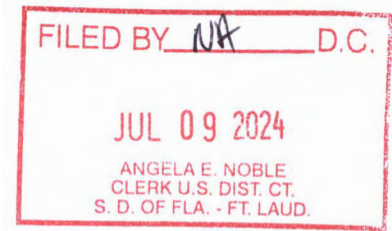
vs.)

Spirit Airline, Inc.,)
2800 Executive Way)
Miramar, FL 33025)

Defendant)

Case No.:

Date Formal Filed: 07/09/2024



COMPLAINT FOR VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA)

I. INTRODUCTION

1. This is a civil action for damages arising from Spirit Airlines, Inc.'s failure to recognize and accommodate Plaintiff's service animal under the Americans with Disabilities Act (ADA), and the mishandling of Plaintiff's luggage containing essential medications, causing significant harm and distress to Plaintiff.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as this action arises under the laws of the United States, specifically the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).

3. Venue is proper in this Court under 28 U.S.C. § 1391(b), as a substantial part of the events or omissions giving rise to the claim occurred within this district, and Defendant conducts business within this district.

III. PARTIES

Count I: Violation of the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.)

14. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

15. Under the ADA, airlines are required to accommodate individuals with disabilities, including allowing service animals to accompany them.

16. Defendant's refusal to allow Plaintiff's service animal to board the flight constitutes a violation of the ADA.

17. As a direct and proximate result of Defendant's actions, Plaintiff suffered significant harm, including but not limited to health complications, emotional distress, and inconvenience.

Count II: Negligence

18. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

19. Defendant owed a duty of care to Plaintiff to handle his luggage with due care, especially given the critical nature of the contents.

20. Defendant breached this duty by negligently sending Plaintiff's luggage to Newark International Airport and failing to ensure its immediate return.

21. As a direct and proximate result of Defendant's negligence, Plaintiff suffered health complications and emotional distress due to the absence of essential medications.

VI. DAMAGES

22. Plaintiff incorporates by reference all the allegations contained in the preceding paragraphs.

23. Plaintiff is entitled to damages as a result of Defendants' violations, including but not limited to:

- a. Compensatory damages in an amount to be determined at trial for medical expenses, pain and suffering, and loss of enjoyment of life.
- b. Punitive damages in an amount sufficient to punish Defendants and deter similar conduct in the future,
- a. Medical expenses incurred due to health complications,
- b. Emotional distress and mental anguish,
- c. Prejudgment and postjudgment interest as permitted by law.
- d. Cost associated with retrieving the luggage.
- d. Attorneys' fees and costs associated with this action.
- e. Any other relief that this Court deems just and proper.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants, awarding Plaintiff:

- A. Enter judgment in favor of Plaintiff and against Defendants on all claims;
- B. Award Plaintiff compensatory damages in an amount to be determined at trial for medical expenses, pain and suffering, and emotional distress;
- C. For prejudgment and post judgment interest as permitted by law;
- D. Award Plaintiff punitive damages in an amount to be determined at trial;
- E. Award Plaintiff reasonable attorneys' fees and costs pursuant to applicable law;
- F. Grant such other and further relief as the Court deems just and proper.

VIII. DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

Mark Appelgren

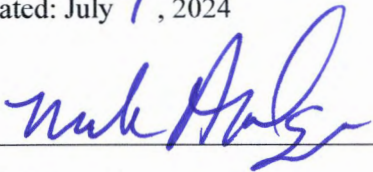
3718 Columbia Pike, Apt. 2

Arlington, VA 22204

Mark.Appelgren0701@yahoo.com

201-232-1441

Dated: July 9, 2024



Mark Appelgren

Plaintiff, Pro Se